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Madison County Prosecutor's Office Determines May 7, 2024, Officer-Involved Shooting was Legally Justified

The Anderson Police Department conducted an investigation regarding the May 7, 2023, officer-involved shooting by Officer Jerry Branson of the Pendleton Police Department. That investigation has been submitted to the Madison County Prosecutor's Office for review and a legal determination of the use of deadly force.

Statement of the Facts

Around 2:30 pm on May 7, 2024, Officer Jerry Branson of the Pendleton Police Department was driving on the north side of Anderson attempting to locate a driver from a recent accident that occurred on Interstate 69. Police officers employed by a municipality have law enforcement authority anywhere in the State of Indiana. *See, e.g., Manley v. State*, 410 N.E.2d 1338, 1340 (Ind. Ct. App. 1980). Indeed, it is often necessary for local law enforcement officers to leave town, city, or county limits during an investigation. Another officer notified Officer Branson that the driver had been located. Officer Branson was returning to Pendleton when he observed a black Mercedes sedan that matched the license plate number of a vehicle of interest from a separate Pendleton Police Department investigation from May 1, 2024.

At 2:31 pm on May 7, 2024, Officer Jerry Branson initiated a traffic stop of the black Mercedes sedan at Broadway St. and W. School St. in Anderson, Indiana. At the time of the traffic stop, Officer Branson was wearing a distinctive uniform and was driving a clearly marked police vehicle. The vehicle pulled into the GetGo gas station at 2500 Broadway St. The traffic stop was captured on video from three separate sources: a security camera from the GetGo gas station, a dash-mounted camera on the Pendleton Police vehicle, and Officer Branson's body-worn camera.

Officer Branson exited his police vehicle and approached the black Mercedes sedan. The vehicle was occupied by two individuals, Amelia Peters, 23, of Anderson, who was in the driver's seat, and Ross Morelock, 39, of Anderson, who was in the front passenger seat. Both individuals were persons of interest from the May 1st investigation, although Morelock denied he had identification and provided Officer Branson with a false name and date of birth. At the time of the incident, Morelock also had three active warrants for his arrest, one in Madison County for Nonsupport of a Dependent Child, a Level 6 felony, and two warrants from Fayette County for Dealing in Methamphetamine, a Level 2 felony, and Dealing in Methamphetamine, a Level 4 felony.

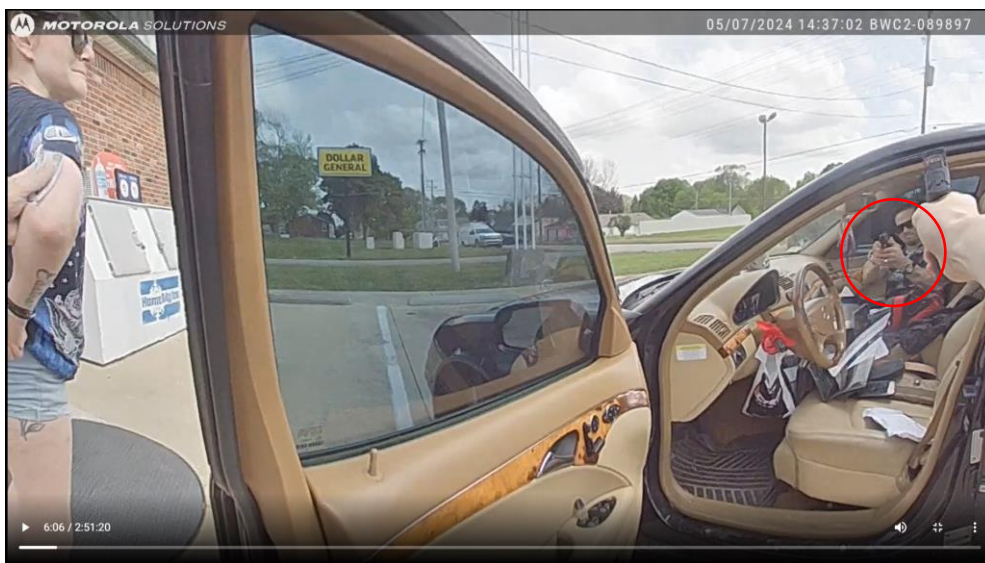
After confirming Peters was one of the individuals he was looking for, Officer Branson asked Peters to exit the vehicle and detained her in handcuffs. Officer Branson radioed dispatch to advise that he had a subject detained and requested additional units respond to the scene. While waiting for backup, Officer Branson remained near the driver's side door of the vehicle with Peters to maintain visual contact of Morelock, who remained seated in the front passenger seat of the black Mercedes sedan.

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During the course of the traffic stop, Officer Branson gave three separate loud, verbal commands to Morelock to keep his hands where he could see them. When Morelock continued to make furtive movements with his hands, Officer Branson gave two additional loud, verbal commands to Morelock to place his hands on the dashboard. When Morelock again disobeyed those commands, Officer Branson drew his department-issued handgun and pointed it at Morelock just before Morelock produced a handgun and pointed it at Officer Branson.



Above, a still image from Officer Branson's body-worn camera shows the moment Morelock drew a handgun and pointed it at Officer Branson.

Officer Branson pushed Peters to the ground for her safety and attempted to discharge his department-issued handgun at Morelock, but the firearm malfunctioned, and he was unable to do. Officer Branson cleared his firearm and reengaged Morelock. A 10-second-long exchange of gunfire ensued where Officer Branson fired four rounds and Morelock fired six rounds. Morelock fired five rounds at Officer Branson, one of which grazed Officer Branson's shoulder leaving an approximately 1-inch-long surface wound and punctured a hole through his uniform shirt. Morelock exited the passenger side door of the vehicle and placed his handgun under his chin in an upward direction and shot himself in the head.

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Above, surveillance video from GetGo gas station shows the moment before Morelock shot himself.

Officer Branson maintained contact with dispatch during the shooting and advised that shots were fired, that a subject was down, and that he was struck by gunfire. Less than a minute later, additional officers and medical personnel arrived on scene and provided treatment to both Officer Branson and Morelock.

Officer Branson was treated at Community Hospital Anderson and was released the same day. Morelock was transported by ambulance to a hospital in Indianapolis where he remains in critical condition. The only injury to Morelock was a single self-inflicted gunshot wound to the head. Per policy of the Pendleton Police Department, Officer Branson was placed on administrative leave pending a review of the use of force.

Statement of the Law

Indiana Code section 35-41-3-2(c) provides “a person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force” and the person is “justified in using deadly force” and “does not have a duty to retreat” if the person reasonably believes that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony.”

Furthermore, a law enforcement officer is justified in using reasonable force if the officer reasonably believes that the force is necessary to enforce a criminal law or to effect a lawful arrest. However, an officer is justified in using deadly force only if the officer:

- (1) has probable cause to believe that deadly force is necessary:

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(A) to prevent the commission of a forcible felony; or

(B) to effect an arrest of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person...

Ind. Code § 35-41-3-3(c). In the words of the Supreme Court of the United States, “the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving...” *Graham v. Connor*, 490 U.S. 386, 396 (1989).

Legal Determination

During a traffic stop on May 7, 2024, Officer Branson was confronted by a subject who was wanted on multiple felony warrants, lied about his identity, and disobeyed five separate loud, verbal commands. The subject drew a handgun and pointed that handgun at Officer Branson. Under any reasonable application of the law to these facts, Officer Branson was justified in using deadly force as self-defense and the defense of others.

Should Morelock recover in a way that would render him competent to stand trial, Morelock will be formally charged with multiple offenses including Attempted Murder, a Level 1 felony, Possession of a Firearm by a Serious Violent Felon, a Level 4 felony, Battery with a Deadly Weapon, a Level 5 felony, False Informing, a Class A misdemeanor, the Use of a Firearm Enhancement, and the Habitual Offender Enhancement. The investigation into Peters’ involvement in the incident on May 7th as well as the preceding May 1st incident remains ongoing and criminal charges will be filed if deemed appropriate.

It is important to remember that any allegation of a crime, an arrest, and/or the filing of a criminal charge is simply an allegation and is not evidence of guilt. All suspects are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

Respectfully,

Andrew C. Hanna
Chief Deputy Prosecuting Attorney
Madison County, Indiana